

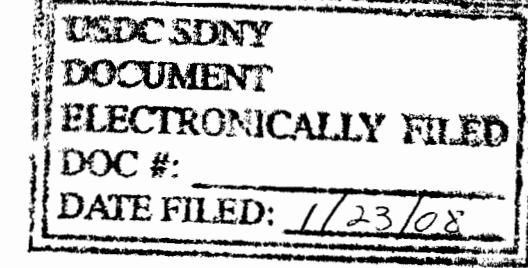
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----x
JAMES E. WILLIAMS,

: Plaintiff,

-v.-

FREDERICK J. SLANOVEC, et al.,

: Defendants.

REPORT AND
RECOMMENDATION
TO THE HONORABLE
P. KEVIN CASTEL

07 Civ. 4685 (PKC)(FM)

-----x
FRANK MAAS, United States Magistrate Judge.

The plaintiff in this civil rights action alleges that he was assaulted by a Middletown, New York, police officer. The original complaint was filed on June 4, 2007. (See Docket No. 2). Thereafter, an amended complaint was filed on August 8, 2007. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service on the defendants therefore was required to be effected by December 6, 2007.

On August 22, 2007, Your Honor issued an order which directed the plaintiff's attention to Rule 4(m) and cautioned him that the failure to effect service within the 120-day period could result in the dismissal of this action. (Docket No. 7). The plaintiff further was advised that the Pro Se Office could provide assistance to him (*Id.*). Despite Your Honor's order, service of the summons and amended complaint in this action has yet to occur. Moreover, the Marshal's Service has advised my Chambers that the plaintiff failed to send it the materials required to effect service.

Accordingly, I recommend that this case be dismissed without prejudice.

Notice of Procedure for Filing of Objections to this Report and Recommendation

The plaintiff shall have ten days from the service of this Report and Recommendation to file written objections. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), (d), 72(b). Any such objections shall be filed with the Clerk of the Court, with extra copies mailed to the chambers of the Honorable P. Kevin Castel, and the chambers of the undersigned, at the United States Courthouse, 500 Pearl Street, New York, New York 10007. Any requests for an extension of time for filing objections must be directed to Judge Castel. The failure to file timely objections will result in a waiver of those objections for purposes of appeal. See Fed. R. Civ. P. 6(a), 6(d), 72(b); Thomas v. Arn, 474 U.S. 140 (1985).

DATED: January 23, 2008
New York, New York



FRANK MAAS
United States Magistrate Judge

Copies to:

Honorable P. Kevin Castel
United States District Judge

James E. Williams
10 King Street, Apt. #13
Middletown, New York 10940